IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF MISSISSIPPI EASTERN DIVISION

JOHN BARNHARDT, et al.,)
Plaintiffs,)
and)
UNITED STATES OF AMERICA,) Civil Action No. 4:65-cv-01300-HTW-LRA) 1300(E)
Plaintiff-Intervenor,) 1300(L))
v.	
MERIDIAN MUNICIPAL SEPARATE SCHOOL DISTRICT, et al.,)))
Defendants.)))

PLAINTIFFS' MOTION FOR AN EXTENSION OF TIME TO RESPOND TO DEFENDANTS' SECOND MOTION TO MODIFY THE DESEGREGATION ORDER

Plaintiffs John Barnhardt, et al. ("Plaintiffs") respectfully submit this Motion for an Extension of Time to Respond to the Meridian Municipal Separate School District, et al.'s ("Defendants") Second Motion to Modify Desegregation Plan and for Expedited Consideration ("Second Modification Motion") (ECF No. 180).

In support of this motion, Plaintiffs assert the following:

- 1. Defendants filed their Second Modification Motion on May 18, 2023.
- 2. On May 25, 2023, Defendants filed a new affidavit in support of their Second Modification Motion (ECF No. 184).
- 3. Pursuant to Local Rule 7(b)(4), Plaintiffs' response to the Second Modification Motion is due by June 1, 2023, fourteen days after it was filed.
- 4. Plaintiffs respectfully request a one-week extension until June 8, 2023 to file their response.

- 5. Good cause exists for granting Plaintiffs' motion. Defendants filed a new affidavit a week after filing their Second Modification Motion. This affidavit contains new allegations and information in support of Defendants' Second Modification Motion. Plaintiffs would be prejudiced by having only seven days instead of fourteen days to assess, review, and potentially respond to this affidavit. Consistent with Local Rule 7(b)(4), allowing an extra week will provide sufficient time for Plaintiffs to prepare their response.
- 6. Pursuant to Local Rule 7(b)(1), the United States of America does not oppose, and Defendants oppose this motion.

Given the straightforward nature of this motion, the Plaintiffs respectfully request that the Court waive the requirement for an accompanying memorandum, pursuant to Local Rule 7(b)(4).

WHEREFORE, Plaintiffs respectfully request that this Court grant their motion for a one-week extension of time until June 8, 2023 to file their Response to the Defendants' Second Modification Motion.

Dated: May 26, 2023 Respectfully submitted,

s/Fred L. Banks, Jr.

Fred L. Banks, Jr. Phelps Dunbar LLP Mississippi State Bar No. 1733

4270 I-55 North

Jackson, MS 39211-6391

Tel: (601) 360-935 Fax: (601) 360-9777 fred.banks@phelps.com s/John S. Cusick

Natasha Merle John S. Cusick Legal Defense Fund 40 Rector Street, 5th Floor New York, New York 10006 Tel: (212) 965-2200

Fax: (212) 965-2200 Fax: (212) 226-7592 jcusick@naacpldf.org

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on the 26th day of May, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which sent notification of such filing to all counsel of record.

John S. Cusick

John S. Cusick Legal Defense Fund 40 Rector Street, 5th Floor New York, New York 10006 Tel: (212) 965-2200

Fax: (212) 226-7592 jcusick@naacpldf.org